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thing in the facts to take the case out of the rule. The court distinguish the principal case from *Rylands v. Fletcher*, *supra*, because here the injury resulted from a natural user of the land, while there it was caused by a non-natural user. This seems like drawing the line between a large reservoir and a small one. The court made another distinction between the cases, in that here, as the plaintiff became tenant after the cistern was constructed, and as he used water from it, he must be taken to have consented to its being on the premises. *Anderson v. Oppenheimer*, 5 Q. B. D. 602. The numerous exceptions have left but little of the original rule.

TORTS — LEGAL CAUSE. — Defendants were owners of a bridge which they negligently allowed to be in bad repair. The plaintiff in Maine was travelling for pleasure on Sunday, in violation of a statute of that State, and his horse was injured by a defect in the defendants' bridge. *Held*, that the plaintiff cannot recover. *Beacham v. Proprietors of Portsmouth Bridge*, 40 Atl. Rep. 1066 (N. H.).

The ground taken by the court is that the plaintiff's wrong necessarily contributed to the injury, the same doctrine having been held in *Cratty v. City of Bangor*, 57 Me. 423. *Lyons v. Desotelle*, 124 Mass. 387, *accord*. The weight of authority, however, is contrary, and it is generally held on a similar state of facts that the breach of the Sunday law is a mere condition under which the accident happens, rather than a contributing cause. *Sutton v. Town of Wauwatosa*, 29 Wis. 21. This view is certainly a more correct interpretation of the facts, for the accident would have been as likely to happen on any other day in the week. It is now provided by a recent Maine statute that the law against Sunday travelling shall not affect the right or remedy of a party arising from an injury received on that day.

TORTS — LORD CAMPBELL'S ACT — JURISDICTION. — Plaintiff's son, a subject of Belgium, being on the high seas, in a Belgian vessel, was killed in a collision caused by the negligent management of a steamship belonging to defendants. *Held*, that plaintiff has no right of action under Lord Campbell's Act. *Adam v. The British and Foreign Steamship Co.*, [1898] 2 Q. B. 430.

The question is largely, if not entirely, one of construction. For, admitting the power of Parliament to give a right of action for a cause arising outside the jurisdiction, a statute should not be construed thus to contravene the principles of international comity without the clearest language. For this reason the case is preferable to a prior contrary decision. *The Explorer*, L. R. 3 A. & E. 289. The American authorities agree that no action will lie under statutes similar to Lord Campbell's Act where the place of killing is outside the State. *Whitford v. Panama R. R. Co.*, 23 N. Y. 465. Whether, under such circumstances, recovery may be had in a domestic forum under a foreign statute is a mooted question. *Dennick v. Central R. R. Co.*, 103 U. S. 11; *Ash v. Baltimore & Ohio R. R. Co.*, 72 Md. 144. Nothing in the principal case runs counter to the proposition that the statute applies for the benefit of aliens where the killing is within the jurisdiction. *Philpott v. Mo. Pac. Ry. Co.*, 85 Mo. 164. Upon the whole subject, see Tiffany, *Death by Wrongful Act*, §§ 195 *et seq.*

REVIEWS.

THE CONFLICT OF LAWS IN THE PROVINCE OF QUEBEC. By E. Lafleur. Montreal. C. Theoret. 1898. pp. xvi, 267.

This interesting book is the result of a course of lectures delivered by the author as Professor of International Law in McGill University. He treats of the law of the Province of Quebec alone; a law derived from the pre-Napoleonic French law, and found in the Provincial Codes in the decisions of the Provincial Courts, and in the decisions, on appeal from Quebec, of the Supreme Court of Canada and of the Privy Council. The author cites few authorities except such decisions and the commentaries of the French jurists, — a proper course, since "Conflict of Laws" is a branch of the municipal law, and decisions of a State where a different system of law prevails can be no safe guide to the law of Quebec. For the same reason, the Quebec decisions cannot be authoritative with us.

The treatise has, however, both a theoretical and a practical value to us. It is worth while to see how, in Quebec, a respect for precedent as great, apparently, as that of English lawyers affects a system of law based on the modern Civil Law. Continental law restrained by the doctrine of *stare decisis* seems to be preferable to Continental law *ferae naturae* as one finds it in the discordant writings of Savigny, Bouhier, and Pillet. The lawyer advising his client must have a happier life in Montreal than in Paris, since he has a guide in the decisions of the courts.

Even in a more practical sense this treatise is valuable to an American lawyer. The decisions of the Quebec courts, while not of authority with us, would on such questions be held in respect. The doctrines here stated are often identical with our own. There are, to be sure, some fundamental differences. Capacity to contract is determined, as in France, by the law of domicile, not as in this country (*Saul v. His Creditors*, 17 Mart. 596) by the *lex loci contractus*. The French rule, adopted by the Quebec Code, is an unfortunate one, resulting in an utter and hopeless want of unanimity among the authors as to its proper application. Another remarkable instance of difference is the recognition by the Quebec courts of foreign administrators, guardians, and even receivers. It must be confessed that in this respect the Quebec doctrine is in actual operation more satisfactory than ours.

The author's materials are well arranged, his exposition is clear, and his infrequent original suggestions are just and sound. J. H. B.

CASES ON CONSTITUTIONAL LAW. Edited by Carl Evans Boyd. Chicago : Callaghan & Co. 1898. pp. xi, 678.

The compiler of this book was right in thinking that a need is felt for a small collection of cases on constitutional law; but it cannot be said that the book satisfies the demand. The more a work of this nature is limited, the greater becomes the necessity for careful selection, arrangement, and annotation. Lacking any one of these requisites, a case-book is a failure. The work of selection, both in matter of the cases chosen and the extracts printed from them, is fairly well done. One omission only of any importance has been made,—in the matter of the power of Congress over the territories. On that subject only a short extract is printed from the *American Insurance Co. v. Canter*, p. 583, an extract wholly inadequate to suggest the difficult questions involved. This oversight is the more unfortunate because the authority is small in comparison with the importance of the subject, and could not, if all were printed, seriously increase the bulk of the book.

The general scheme of the topics is well conceived, and with some originality; but little skill is spent upon the arrangement of the cases under the headings. The author mainly follows Thayer's Cases in this regard, as he frankly admits in his preface. Where a change is made, it is generally for the worse. The strict adherence to chronology under Taxation leads to chaotic arrangement. The first case is *Hylton v. United States*, p. 26, where we try to solve the question of a direct tax. We think we have settled the question, and pass to State taxes on the instruments of the federal government and on interstate commerce, federal taxes on instruments of State government, and State tonnage taxes. After this technical question we find buried here the one general case on the broad problems in regard to the legitimate objects of taxation, *Loan*